

TRIBUTE TO DR. ALICE WALKER-DUFF

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. DIXON. Mr. Speaker, I am pleased to have this opportunity to salute the outstanding contributions made by Dr. Alice Walker-Duff to the children of Los Angeles. As executive director of Crystal Stairs, Alice presides over one of the largest nonprofit and most enduring child care resource and referral providers in California. She has earned a well deserved reputation as an indefatigable advocate for comprehensive, quality early child development services as an essential ingredient to helping children mature into successful, productive adults.

Alice's career with Crystal Stairs began nearly two decades ago. It was not, however, the career she had envisioned but one that she came to out of a desire to help her good friend and Crystal Stairs' founder, Karen Hill-Scott. In the early 1970's, in a venture that would serve as the precursor to Crystal Stairs, Alice and Karen had teamed together to found the Childcare Resource and Referral Service. The program was the sole African-American alternative program in California. It offered working parents, most often single mothers, with quality child care development services, affording many the opportunity to return to school or to the employment roles.

In the mid 1970's, while supervising a classroom project in one of her urban planning classes at UCLA, where she taught, Karen discovered there was a paucity of information available at the city and county level regarding available day care providers located in the urban areas of Los Angeles. Armed with this information, she applied for and received funding from the State of California to establish an agency that would address this shortage. Thus was born Crystal Stairs, a nonprofit agency incorporated in 1980 that supervises and certifies affordable, safe, and reliable child care development providers in the African-American community of southern California.

Alice agreed to help Karen by managing the day-to-day operation and management of Crystal Stairs. Karen was still a professor at UCLA and she needed an individual who was smart, politically savvy, and above all, knowledgeable about early childhood development. Although the initial agreement had Alice remaining at Crystal Stairs for just 8 short months, 2 years ago, when Karen stepped down as executive director to serve as a consultant in children's television programming, Alice settled in as the agencies executive director.

During her nearly 20 years of dedicated service and commitment to Crystal Stairs and the children of Los Angeles, Alice has been instrumental in expanding the agency's outreach to include a comprehensive array of services, including child-care research, a food program in Los Angeles, Orange, and Riverside Counties; parenting classes, and employment training programs.

Last year, Crystal Stairs added one more jewel to its crown with the opening of SAGE, a child-care center in the Nickerson Gardens public housing development. The center offers a range of afterschool classes, including in-

struction in computer skills and math and art classes. SAGE is providing a tangible resource to the children of Nickerson Gardens by helping to enhance their development and offering a beacon of hope for a future that is too often viewed as hopeless.

Mr. Speaker, I am proud and honored to salute the outstanding accomplishments of Dr. Alice Walker-Duff to the Los Angeles community. Her career has been marked by a level of excellence that is worthy of the accolades she receives this day. She has labored nobly and steadfastly in her quest to ensure that children receive the appropriate day care and essential nurturing to which all children are entitled. Please join me in commending her for her contributions to the children of Los Angeles, and in extending to her, her husband attorney Joe Duff, and their two daughters Gingi and Laura, our appreciation and best wishes for continued success in the future.

**HONORING VETERANS OF THE
KOREAN WAR**

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mrs. KENNELLY. Mr. Speaker, as we remember the 42d anniversary of the armistice of the Korean war, and as we dedicate the new Korean War Veterans Memorial on the Mall, I want to commemorate the patriotism of the 1.5 million Americans who served, the courage of those who were wounded or taken prisoner-of-war, and the sacrifice of the more than 54,000 who did not come home. These soldiers, including many from my congressional district and the State of Connecticut, have made an indelible contribution to our nation and to our world by exemplifying America's uncompromising devotion to freedom.

The soldiers who fought in Korea were the first American servicemen and women to directly contest a Communist army. Their bravery in combat against North Korea and China proved that the United States would not appease Communist aggression. Their defense of freedom in one corner of the world gave hope to millions of people under Communist rule in other corners that the democratic nations had not forgotten their plight. Korea was the first volley in the battle that was won when the Berlin Wall came down and the Soviet Union crumbled.

Our Korean war soldiers also demonstrated to the world that we were ready and willing to help even our smallest and most distant allies fend off foreign aggression. While no one questioned America's strategic interest in defending Europe during the world wars, our commitment to our friends in Asia was not as certain. But in the summer of 1950, the United States spoke loud and clear: we would stand up for freedom anywhere it was threatened by tyranny. That message still resonates today.

But our soldiers did not merely engage in battle against international aggression; it was a contest between democracy and totalitarianism. In Korea, our soldiers proved that Americans did not just talk about the importance of democracy—they would risk their lives for it. The march of American soldiers up the Korean peninsula from Pusan to the 38th Parallel was a remarkably brave demonstration of our

commitment to lead by example. Today, as nations on every continent strive towards democracy, they rightfully look to us for moral guidance.

By fighting side-by-side with soldiers from around the world, American soldiers also demonstrated that multi-national coalitions can bring about peaceful ends. When we contemplate the awesome success of Desert Storm 4 years ago, we can look back to Korea as the prototype.

Through these accomplishments, the soldiers of the Korean war left an indelible mark on the modern world. Sadly, Korea is at times called the forgotten war. But the freedom and security it brought the world will long be remembered.

Were it not for the courage of our soldiers, South Korea would not be a free and prosperous nation, one of our most trusted and valuable allies in the Pacific rim.

And were it not for the fortitude of our neighbors, relatives and friends in uniform who joined the battle against North Korea, the fall of Communism in Eastern Europe and in Central America would have been far less assured.

Most importantly, were it not for the selflessness of American servicemen and women who triumphed over dictatorship in a country many had never even heard of, the guiding light of democracy we extend to other nations would not be nearly as bright.

We still live in a dangerous, unpredictable world. But the heroic, selfless efforts of Americans in places like Inchon, Chosin, and Pusan have ensured that future generations of Americans will live in a world where freedom is cherished and tyranny is repelled. For that, we owe the veterans of the Korean war our eternal gratitude.

I commend the Korean war veterans from the First District of Connecticut and from around the United States on the occasion of the 42d anniversary of the end of the Korean war.

CLEANING UP BROWNFIELDS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. DINGELL. Mr. Speaker, I rise with my colleagues from Ohio, Mr. BROWN, and my colleague from Missouri, the distinguished minority leader, Mr. GEPHARDT, to introduce legislation which, if enacted, will promote the cleanup of lands containing abandoned or under used industrial facilities where legal, environmental, and financial barriers prevent redevelopment.

Contaminated, often vacant industrial sites, known as brownfields, pose significant economic and environmental challenges for communities throughout southeastern Michigan. These challenges are formidable, but not insurmountable. I will explore the issues which determine how to succeed in converting our brownfields in Downriver and Detroit back to engines of economic progress.

Industrial properties, contaminated from years of use, are very difficult to redevelop. Even ongoing operations may be difficult to sustain. Cleanup costs are high and liabilities for past contamination scare potential purchasers, developers, and lenders. However,

not cleaning and reusing these sites means that sites with the potential to contribute to local economic development and job creation sit dormant, and pollution remains unchecked. The lack of usable properties in long-term manufacturing centers like those in metropolitan Detroit and other cities encourages builders and investors to look for more distant locations for development.

The bill which I am sponsoring with my colleagues will address these concerns by providing more than \$100 million over 3 years so that local governments can choose and develop the sites which have the best chance of success if they are cleaned up. The grants will be used to assess the environmental conditions and economic potential of a site. Loans will allow cities and other development authorities to finish the job. Perhaps most important, current Federal laws would be amended to reduce fears of liability for purchasers and lenders. Together with the enhanced public funding, it is hoped that these steps will leverage additional private investment in brownfields.

I am pleased to say that local governments in my congressional district are not waiting for this legislation to get started on these efforts. However, organizations like the Southeast Michigan Council of Governments [SEMCOG] and the Port of Monroe assure me that this legislation should help guarantee success.

Mr. Speaker, I look forward to working with my colleagues on the Commerce Committee to see how this legislation fits with efforts to reauthorize the Superfund.

BROWNFIELD BILL—SECTION-BY-SECTION ANALYSIS

SECTION I. FINDINGS

SECTION II. FINANCIAL ASSISTANCE

Purpose

Provide financial incentives that encourage redevelopment efforts of brownfield sites.

Help create a more level playing field relative to the more desirable "greenfields".

Aid with the expenses involved with cleanup activities at brownfield sites.

Summary

Provides grants to local governments for site investigations to assess the level of contamination; authorizes \$15 million each fiscal year from the Superfund trust fund.

Provides interest-free loans to local governments for cleanup activities. Such loans are to be repaid within 10 years to be deposited back into the Superfund trust. Authorizes \$30 million each fiscal year from the Superfund trust fund for such purposes.

Establishes a 3 year sunset for authorization of funds.

Permits local governments to submit to EPA an application for a grant or loan for specific redevelopment project(s).

Specifies criteria by which applications are ranked; includes: Stimulation of economic development (eg. job creation, increased revenue); extent local community participates and supports remediation and development; financial involvement of State and local governments (in lieu of matching requirement); extent the local community supports the redevelopment project(s); and extent health and environmental risks (or threat of) are reduced.

SECTION III. LENDER LIABILITY

Purpose

Encourage lenders to help finance brownfield redevelopment efforts by reducing liability fears induced by unfavorable court interpretations. The US v. Fleet Corp. court ruling inflicted uncertainty among lending institutions regarding liability.

Clarify activities that lenders can perform without being held liable under Superfund.

Summary

Upholds EPA's 1992 Lender Liability rule which was invalidated by a court ruling:

Species lender's activities that give rise to potential liability. These include undertaking responsibility for hazardous substance practices and day-to-day decisionmaking with respect to environmental compliance and operational functions.

Specifies activities that do not give rise to liability. Includes: Mere capacity to influence or unexercised right to control facility operations; actions to require environmental inspection and/or cleanups; work out' activities (eg. preventing foreclosure by restructuring terms).

To remain exempt from liability after foreclosure, a lender must sell, re-lease, or otherwise divest itself of the property in a reasonably expeditious manner.

SECTION IV. PURCHASER LIABILITY

Purpose

Protect new purchasers and redevelopers from liabilities for past problems.

Under N.Y. v. Shore Realty, the court held the current owner responsible for response costs; it reasoned that CERCLA unequivocally imposes strict liability on the current owner of a facility from which there is a release without regard to causation.

Summary

Exempts prospective purchasers from liability when acquires ownership of a facility and establishes each of the following:

All active disposal of hazardous substances at the facility occurred before that person acquired the facility.

Person made all appropriate inquiry into the previous ownership and uses of the facility and poverty.

The person provided all legally required notices with respect to the discovery or release of any hazardous substances at the facility.

The person exercised appropriate care with respect to hazardous substances found by stopping on-going releases and preventing future releases of hazardous substances.

SECTION V. FIDUCIARY LIABILITY

Purpose

Reduce banks' fears of liability in their capacity as a fiduciary. Fiduciaries are wary of accepting real estate into their trust portfolios due to unfavorable court decisions.

Summary

Limits the liability of fiduciaries (trustees) to the value of the assets of the trust or estate unless: Person undertakes fiduciary status to avoid preexisting personal liability; fiduciary is personally, causing or contributing to release of hazardous substance; fiduciary participates in planning and implementing a scheme to evade CERCLA; and fiduciary fails to comply with requirements set by EPA.

Fiduciaries undertaking or directing others to undertake a response/cleanup action under CERCLA are precluded from liability.

IN SUPPORT OF SUPERFUND REFORMS TO PROMOTE THE REDEVELOPMENT OF "BROWNFIELDS"

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. GEPHARDT. Mr. Speaker, I join today with Mr. BROWN of Ohio, Mr. DINGELL, Mr.

STOKES, Mr. BORSKI, Mr. RUSH, Mr. KLINK, Mr. MANTON, Mr. TOWNS, and Ms. FURSE in introducing legislation to redevelop abandoned or underutilized industrial sites. As many as 500,000 sites that once sustained industrial or commercial activities now lie vacant or idle across the country in our rural and urban areas. Returning these sites to productive use must be an important national goal.

This legislation is intended to promote the cleanup and redevelopment of such abandoned properties, commonly referred to as "brownfields." Too often the private sector is deterred from redeveloping such brownfields because of their high cleanup costs and the potentially open-ended liability associated with undiscovered contamination. Likewise, cities have lacked the resources to assess contamination levels at abandoned sites or to help finance cleanups.

Like many cities across the country, St. Louis has hundreds—perhaps thousands—of abandoned sites that sit idle and need to be reused. In many cases, private owners have simply given up on their properties, allowing them to revert to the public domain; the municipality of St. Louis owns more than 40,000,000 square feet of abandoned property and buildings. But many other underused sites remain in private hands as well.

St. Louis has seen some neighborhoods deteriorate as investment and jobs have gone elsewhere. Many times it has been more attractive for businesses to invest in untouched property that does not carry with it potential environmental liability and expensive cleanup costs. Thus, many sites—the old Carondelet Coke plant in south St. Louis City, areas along the Mississippi riverfront, and the former National Lead site in St. Louis County—remain unused.

Our goal is to encourage the cleanup and reuse of brownfields for productive uses, thus bringing new job opportunities to blighted areas. This bill contains provisions to encourage private sector investment in redevelopment and provide cities with the resources to coordinate site characterization and promote cleanups. There are three major objectives.

First, this legislation provides cities new resources necessary to promote the cleanup of sites. Developers or purchasers often find capital out of reach when potentially costly environmental liabilities are present. In addition, cities often have difficulty in obtaining the necessary resources to assess the extent of toxicity of individual sites, the first step in brownfield redevelopment.

To help provide funding that the private sector cannot always provide, the bill authorizes the EPA to provide funds from the Superfund trust fund for cleanup activities. Local government entities, such as the St. Louis community development agency, would be able to apply and compete for interest-free loans or grants to perform site assessments and cleanup activities. The grants and loans would be competitively awarded based on their capacity to create new jobs, as well as the amount of local participation and financial support.

The cities have emphasized that site characterizations and assessments are extremely useful in marketing contaminated sites to prospective buyers or developers. After determining the level of contamination, parties are more inclined to invest in brownfield properties since the projected cleanup costs are better known. This bill authorizes the EPA to provide